

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Beverly Byrd  
1510 Charity Church Rd.  
Huger, S.C. 29450.

SCDOI Case File No: 125414

**Consent Order  
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above referenced individual, a licensed South Carolina Bail bonds agent.

Upon review of this matter, I hereby find as fact, that Beverly Byrd, while licensed to do business as a bail bonds agent within South Carolina, did use the services of one Delmus Wilson- an individual not licensed by this Department- to assist in the apprehension of Calvin Gibbs. The respondent acknowledges these allegations, but contends these failures resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of Ms. Byrd's license to transact the business of bail bonding in South Carolina, following a public hearing at the Administrative Law Court, pursuant to S.C. Code Ann. Section 38-43-130(Supp. 2004).

Prior to the initiation of any administrative proceedings by the Department against her, Beverly Byrd and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that in lieu of the Department seeking to revoke respondent's licensing privileges, Ms. Byrd would waive her right to a public hearing and immediately submit via certified check, a negotiated and consensual administrative penalty in the amount of \$1,000.00 dollars.

Sections 38-43-130 and 38-53-150 of the South Carolina Code of Administrative Laws grant the Director of Insurance the power to revoke an agent's license for violating any of South Carolina's Insurance Laws. More pertinently, § 38-53-80 establishes that "no person may act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional or surety bondsmen or runners under the provisions of this chapter unless that person is qualified, except for an accommodation bondsman, licensed in accordance with the provisions of this chapter. No license may be issued to a professional bondsman, surety bondsman, or runner except as provided in this chapter."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Beverly Byrd has violated S.C. Code Ann. Section 38-53-80(Supp. 2004). As a result, I can now take administrative disciplinary

action against her bondsman's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-2-10(Supp. 2004), and carefully considering the recommendation of the parties, I hereby impose against respondent, an administrative penalty in the amount of \$1,000.00 dollars. If that penalty is not paid within fifteen days from the time of receipt of this Order, all of her licensing privileges shall be immediately revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of respondent's assurances that in the future she will fully comply with the Insurance Laws of South Carolina.

Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp.2004) to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Beverly Byrd shall, within fifteen days of the date from the date of receipt of this Order, pay through the South Carolina Department of Insurance an administrative penalty in the amount of \$1,000 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in respondent's licensing file.

This order becomes effective as of the date of my signature below.

*July 29*, 2005, at  
Columbia, South Carolina

  
Eleanor Kitzman  
Director

I CONSENT:

Beverly Byrd  
Signature

Beverly Byrd  
Printed Name

Bail Bond agent  
Title

Address: 1510 Charity Church Rd  
Huger, S.C.

Dated this 21 day of July, 2005.